



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/489,793

01/24/2000

David K. McKnight

CA9-99-017

6281

58139

7590

01/08/2010

IBM CORP. (WSM)

c/o WINSTEAD SECHREST & MINICK P.C.

P.O. BOX 50784

DALLAS, TX 75201

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT

PAPER NUMBER

2178

MAIL DATE

DELIVERY MODE

01/08/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/489,793	<b>Applicant(s)</b> MCKNIGHT ET AL.	
	<b>Examiner</b> JOSHUA D. CAMPBELL	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-36 and 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-22, 24-36 and 40-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/10/2009</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed 9/15/2009 and IDS filed 9/10/2009.
2. Claims 1-13, 16-36, 40-43 pending. Claims 1, 3-4, 12, 16, 22-24, 26-27, 35, 40-42 are independent claims.
3. The objection of claims 8-11, 21, and 31-34 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim may not depend on any other multiple dependent claim, either directly or indirectly has been withdrawn in view of the amendments.
4. The rejection of claims 1-7, 12, 13, and 40-43 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter has been withdrawn in view of the amendments to the claims and the specification.
5. The rejection of claims 42 and 43 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn in view of the amendments.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-20, 22-30, 35, and 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 16-20, 22-30, 35, and 36, these claims are non-statutory for at least the reason that they are not tangibly embodied in a manner so as to be executable (i.e. stored on a computer readable storage medium, not including a carrier signal). Even after the amendment to the specification, the computer readable medium is not limited to only statutory classes. The amended specification states, "Such an article of manufacture, program storage device or computer program product may include, but is not limited to, CD-ROMs, diskettes, tapes, hard drives, computer RAM or ROM," which explicitly states that the media is "not limited" to the defined types. The open ended language along with the applicant's previous definitions of what the medium could include provides a need for this rejection to be made.

**Proper correction is required.**

***Allowable Subject Matter***

7. Claim 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-8, 10-12, 16-17, 19, 24-31, 33-35, 40, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Word 97 (hereinafter Word 97), 1996 Microsoft Corporation, screenshots pages 1-16.**

In regard to independent claim 1, Word 97 teaches a method of formatting a document based upon an initial (on the fly) analysis of an example input (a user example document) (Word 97 page 2, 9; compare with claim 1 *“receiving a user example”*).

Word 97 analyzes the following user example input: “Dear John,”, at which the system determines that one is attempting to write (format) a letter. A user chooses to get help, resulting in the appearance of Letter Wizard for final formatting and styling (Word 97 pages 10-15). Word 97 does not specifically disclose formatting non-functional aspects in the style of said example, as claimed. However, page 10 of Word 97 teaches a “Full block” letter style (incorporating non-functional block indent/groupings) as a default choice, which attempts to approximate the letter style display of said user input, therefore providing the claimed equivalent of formatting non-functional aspects in the style of user example input (Word 97 page 10; compare with claim 1 *“A method for formatting a document, comprising the steps of “, and “formatting the non-functional aspects of said document in the style of said user example.”*). It

would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of offering various style selections for convenience of document construction.

**In regard to dependent claim 2**, Word 97 teaches “Full block” and “Modified block” (indentation styles), as well as order (header and footer inclusion), and space for inputting mailing instructions, attention and Subjects (forms of comments) (see Word 97 pages 10, 11, 14).

**In regard to independent claim 3**, claim 3 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Word 97 teaches generation of various style templates based upon a user’s initial attempt at writing a letter, said templates comprising various components (section order, header, footer, date line, and text block groupings) (Word 97 pages 4, 10-11). Word 97 does not specifically teach alignment offsets, as claimed. However, Word 97 teaches a “Modified block” style including block indentations (Word 97 page 11), providing the claimed equivalent of alignment offsets. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 as incorporating offsets, providing the benefit of various letter styles for convenience (compare with claim 3 “*selectively generating from said example document style templates, alignment offsets and section order*”).

Word 97 teaches reformatting of inputted text and inclusion of macros (functional aspects) to fit the form of a selected letter style (Word 97 pages 4 11-12, 16; compare

with claim 3 “*responsive to said templates, offsets, and order, formatting functional aspects of said output document.*”).

**In regard to independent claim 4**, claim 4 incorporates substantially similar subject matter as claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 does not specifically disclose replaceable macros in an output document, as claimed. However, Word 97 teaches macro inclusion in templates, and a method of selecting alternate salutations (Word 97 pages 4, 16), providing the claimed equivalent of macro inclusion. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of macros for convenient display of alternate text (compare with claim 4 “*selectively including replaceable macros*”).

**In regard to dependent claim 5**, Word 97 teaches reformatting of inputted text and inclusion of macros (functional aspects) to fit the form of a selected letter style (Word 97 pages 4 11-12, 16).

Word 97 also teaches a method of selecting alternate salutations (Word 97 pages 4, 13, 16).

**In regard to dependent claim 6**, Word 97 teaches analysis of user input “Dear John,”, the analysis dependent upon syntactical review of the punctuation of said input (Word 97 page 2).

**In regard to dependent claim 7**, Word 97 teaches alteration of “mailing instructions”, “Attention”, and “Subject” fields, as well as creating auto text (after

applying pattern matching) (Word 97 pages 14, 16). The alterations (i.e. comment removal, etc.) are temporary until saved by the user or by Word 97 auto save feature.

**In regard to dependent claim 8**, Word 97 teaches various sections of a document (Word 97 pages 10-15).

**In regard to dependent claims 10 and 11**, Word 97 teaches revising a final document (changing its style) using a right click feature, in combination with a replaceable function (i.e. a macro) feature as taught in the rejection of independent claim 4 (see Word 97 page 16).

**In regard to independent claim 12**, claim 12 incorporates substantially similar subject matter as claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 teaches a "Modified block" style template comprising various calculated block indents, the desired application of said template to a user document preserves said indents to produce a final document (Word 97 page 11).

Word 97 does not specifically teach parsing of components, as claimed. However, Word 97 teaches analyzing initial user inputted words and punctuation (Word 97 page 2, 9), which provides the claimed equivalent of parsing text components (compare with claim 12 "*while parsing document components*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of text analysis/matching for presentation of various templates.

**In regard to independent claim 16**, claim 16 reflects the computer program product comprising computer readable instructions used for performing the methods as



claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 does not specifically disclose formatting non-functional aspects in the style of said example, as claimed. However, page10 of Word 97 teaches a “Full block” letter style (incorporating non-functional block indent/groupings) as a default choice, which attempts to approximate the letter style display of said user input, therefore providing the claimed equivalent of formatting non-functional aspects (Word 97 page 10; compare with claim 16 “*non-functional aspects*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of offering various style selections for convenience of document construction.

**In regard to dependent claim 17**, Word 97 does not specifically teach a grammar template for storing rules, as claimed. However, Word 97 teaches analysis of user input “Dear John,”, the analysis dependent upon syntactical and pattern matching review of the words and punctuation of said input (Word 97 page 2), providing the claimed equivalent of templates with grammar rules required to make such an analysis. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of rules for making accurate analysis.

**In regard to dependent claim 19**, Word 97 teaches a letter wizard can be used to modify/complete existing letters, each letter capable of incorporating various customized template portions (Word 97 page 2 - at bottom).

**In regard to claims 24-31, 33-35**, claims 24-31, 33-35 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 1-8, 10-12, respectively, and are rejected along the same rationale.

**In regard to claim 40**, claim 40 reflects the system comprising computer readable instructions used for performing the methods of the product as claimed in claim 16, and is rejected along the same rationale.

**In regard to claims 42, 43**, claims 42, 43 reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 4, 5, respectively, and are rejected along the same rationale.

10. **Claims 9, 13, 18, 20, 21, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Word 97, as applied to claims 4, 12, 16, 27, 35 above, and further in view of Turbo C++ Version 4.5, 1995 Borland International (hereinafter Borland), screenshots pages 1-7.**

**In regard to dependent claims 9 and 13**, Word 97 teaches group ordering (i.e. header, footer) (Word 97 page 11). Word 97 does not specifically teach public, protected, and private member access associated with an order, as well as offsets preserved for variables, functions, and constructors. However, Borland teaches a text editor for editing program files (i.e. C, C++, etc.). Borland teaches an auto indent mode as well as persistent blocks for preserving indentation of blocks of code (Borland page 2). Borland also teaches customization of reserved words (i.e. by color or underlining, etc.), said (C++) reserved word comprising “public”, private”, and “protected” words, as

Art Unit: 2178

well as highlighting other types of data (i.e. variables, and elements making up functions and constructors, etc.). The customization of coloring, etc. to said words can be interpreted as a form of prioritized ordering (Borland pages 2, 7). Since Word 97 (and most typical text processors) can display a C++ text file, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland's ordering/prioritization of C++ text to Word 97's templates, providing word 97 the benefit of enhancing its templates to accommodate various text files.

**In regard to dependent claims 18, 20**, Word 97 does not specifically teach a grammar template for storing rules, as claimed. However, Word 97 teaches analysis of user input "Dear John,", the analysis dependent upon syntactical and pattern matching review of the words and punctuation of said input (Word 97 page 2), providing the claimed equivalent of templates with grammar rules required to make such an analysis. It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of rules for making accurate analysis.

Word 97 does not specifically teach rules for programming languages, or of declaration/definition files. However, Borland teaches an editor specifically tailored to edit text, as well as editing C++ text files, comprising declaration/definition files (i.e. `#include <stdio.h>`) (Borland pages 1, 6-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland's rules and files associated with C++ to Word 97, providing word 97 the benefit of enhancing its templates to accommodate various text files.

**In regard to dependent claim 21**, Word 97 does not specifically teach generation of class declarations, class-head, base-specifiers, body, access-specifiers, and member declarations. However, Borland teaches an editor specifically tailored to edit text, as well as editing and dealing with the specialized constructs within C++ text files. (Borland pages 1, 6-7). Since the above is specific to C++, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland's rules and constructs associated with C++ to Word 97, providing word 97 the benefit of enhancing its templates to accommodate various text files.

**In regard to claims 32, 36**, claims 32, 36 reflect the computer program product comprising computer readable instructions used for performing the methods as claimed in claims 9, 13, respectively, and are rejected along the same rationale.

**11. Claims 22, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Word 97, in view of Borland.**

**In regard to independent claim 22**, claim 22 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 3, and in further view of the following, is rejected along the same rationale.

Word 97 teaches analysis of user input "Dear John," , the analysis dependent upon syntactical and grammatical review of the words and punctuation of said input (Word 97 page 2; compare with claim 22 "*grammar*").

Word 97 does not specifically teach parsing of components, as claimed. However, Word 97 teaches analyzing initial user inputted words and punctuation (Word

97 page 2, 9), which provides the claimed equivalent of parsing text components (compare with claim 22 "*parsing*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Word 97 in this fashion, providing Word 97 the benefit of text analysis/matching for presentation of various templates.

Word 97 does not specifically teach templates for programming languages. However, Borland teaches an editor specifically tailored to edit text, as well as editing C++ programming files (Borland pages 1, 6-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Borland's specific editing of files associated with C++ to Word 97, providing word 97 the benefit of enhancing its templates to accommodate various text files for programmers.

**In regard to independent claim 41**, claim 41 reflects the system comprising computer readable instructions used for performing the methods of the product as claimed in claim 22, and is rejected along the same rationale.

### ***Response to Arguments***

12. Applicant's arguments filed September 15, 2009 have been fully considered but they are not persuasive. The reasons the arguments are not persuasive has been previously laid in out in the Examiner's Answer mailed on September 5, 2007. The issues at hand have not changed, thus the examiner will not be restating the response that is already on the record.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/  
Primary Examiner, Art Unit 2178  
December 21, 2009